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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,301	08/10/2001	Dan Kikinis	P5064	7434
24739	7590	07/19/2005	EXAMINER	
CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004				PHILPOTT, JUSTIN M
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/927,301	KIKINIS, DAN
	Examiner	Art Unit
	Justin M. Philpott	2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 June 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 16-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 16-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed June 1, 2005 have been fully considered but they are not persuasive.

Specifically, applicant argues (page 6) that Dragnich "teaches nothing at all to do with Session Initiation Protocol (SIP) messaging". However, contrary to applicant's assertion, Dragnich clearly teaches SIP messaging as recited in the previous office action and repeated herein. For example, Dragnich recites, "The network 15 transmits signals of a standard such as ... SIP" (col. 4, lines 1-3) and further indicates utilizing SIP messaging in the described invention (e.g., see col. 7, lines 24-27). Thus, applicant's argument that Dragnich does not teach, and in fact has nothing to do with, SIP messaging is not persuasive.

Further, applicant argues (pages 5-6, referencing Figures 1 and 5) that Dragnich is directed only towards IPNT and COST telephony. However, Dragnich teaches at least two clearly distinct embodiments. That is, Dragnich teaches one embodiment, e.g., Figure 5 as labeled utilizing a PSTN as the network 15 (e.g., see also col. 4, lines 65-67 regarding "[i]f the network 15 is a PSTN...") which applicant argues is the only embodiment taught by Dragnich. However, Dragnich also teaches a second distinct embodiment wherein "network 15 is an IP network" (e.g., see col. 4, lines 55-60), whereby the previously discussed SIP messaging is thus enabled. Accordingly, applicant's argument that Dragnich cannot teach SIP messaging because Dragnich teaches one embodiment which utilizes a PSTN as network 15 is not persuasive since

Draginich clearly teaches an alternate embodiment which utilizes the SIP messaging discussed above.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,560,329 to Draginich et al.

Regarding claims 16 and 22, Draginich teaches a system and method for routing a communication event in a call center (e.g., call distribution system 10, see FIGS. 1, 2 and 5) having routing provided by a CTI server (e.g., call server 22; see col. 1, lines 1-67 regarding CTI), the event initiated by an originator at a computerized workstation (e.g., client device 27-29) outside the call center (e.g., call distribution system 10), comprising: a software-enabled SIP mechanism (e.g., see col. 1, lines 65-67 and col. 4, lines 24-34 regarding interactive session with a caller; see col. 4, lines 1-3 regarding signaling from devices according to SIP; and see col. 4, lines 19-21 regarding calls being in the form of electronic mail messages which implicitly requires a software-enabled mechanism on the transmitting device) operable on the workstation by the originator to prepare and send an SIP-protocol routing request along with an event initiation (e.g., see col. 3, line 48 – col. 5, line 13, and specifically col. 4, lines 1-15 regarding network 15 transmitting SIP signaling comprising intrinsic call data from devices 27-29, wherein

the call data implicitly includes event initiation in the form of audio-video calls, electronic mail messages, etc., see col. 4, lines 19-21; and call data implicitly includes routing request by “provid[ing] a capability to route each call”, see col. 4, lines 11-12); and a software enabled reformatting mechanism (e.g., routing controller 20) in the call center (e.g., call distribution system-10) receiving and processing the SIP-protocol-routing request (e.g., comprising call data, see col. 4, lines 36-45); characterized in that the reformatting mechanism (e.g., routing controller 20) sends a resulting request (e.g., processing directive 66, see col. 6, line 65 – col. 7, line 19 regarding routing controller 20 receiving the call data and processing the call by sending a processing directive 66) to the CTI server (e.g., call server 22) for processing and response (e.g., see col. 7, lines 1-4 regarding call server 22 then undertaking telephony signaling), and the CTI server (e.g., call server 22) determines and returns a routing for the communication event (e.g., by directing PBX to route the call, see col. 7, lines 24-27, and returning an acknowledgement to the routing controller 20, see col. 7, lines 29-31).

While Dragnich may not specifically disclose SIP-to-non-SIP conversion is performed specifically within the routing controller 20, such conversion is implicitly performed in either routing controller 20 or call server 22, since the call server 22 then communicates with different telephony protocols according to a particular protocol of a coupled PBX 42 or Centrex 102, both of which are coupled to the routing controller 20 (e.g., see col. 8, lines 16-61 and FIG. 5). Thus, in Dragnich, SIP-to-non-SIP conversion is either implicitly performed within routing controller 20, or in the alternative, must be performed in the call server 22. In the latter case, it is generally considered to be within the ordinary skill in the art to shift the location of parts absent a showing of unexpected results. Thus, at the time of the invention it would have been obvious to one of

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ordinary skill in the art to shift the location of protocol conversion from the call server 22 (within call distribution system 10) to the routing controller 20 (also within call distribution system 10) since it is generally considered to be within the ordinary skill in the art to shift the location of parts absent a showing of unexpected results. The contention of obvious choice in design can be overcome if Applicant establishes unexpected results. In re Japikse, 86 USPQ 70 (CCPA 1950).

Regarding claims 17, 18, 23 and 24, Dragnich teaches the communication event arrives at the call center (e.g., call distribution system 10) from a data packet network comprising the Internet network (e.g., see col. 3, lines 61-64).

Regarding claims 19 and 25, Dragnich teaches the Internet network further connects to a LAN network (e.g., see col. 3, line 64 – col. 4, line 1 regarding network 15 comprising a combination of networks including a private network, inherently comprising a LAN).

Regarding claims 20 and 26, Dragnich teaches the CTI server (e.g., call server 22) controls routing within the call center (e.g., see col. 4, lines 25-35).

Regarding claims 21 and 27, Dragnich teaches the communication events are received from clients (e.g., via client device 27-29) of the call center (e.g., call distribution system 10) and routed to agents (e.g., agent stations 11-14) or automated systems (e.g., automated unit) at work within the center (e.g., see col. 6, lines 36-45).

### *Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Philpott whose telephone number is 571.272.3162. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on 571.272.3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Justin M. Philpott

HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600